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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,013	10/17/2001	Shuhei Kato	100341-00016	3791

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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,013

Applicant(s)

KATO, SHUHEI

Examiner

Christopher S. McCarthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 6, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>response to arguments</u> . |

DETAILED ACTION

1. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881, as cited in prior office action, which was mailed on 5/12/2004.
2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green, as cited in prior office action, which was mailed on 5/12/2004.
3. Claims 5 and 6 allowed, as cited in prior office action, which was mailed on 5/12/2004.
4. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as cited in prior office action, which was mailed on 5/12/2004.
5. Claims 9 and 10 are allowed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Green et al U.S. Patent 6,496,881.

As per claim 1, Green teaches an information processing apparatus to which a memory cartridge having a program memory is attached (column 4, lines 25-39), comprising: a system bus which is connected to said program memory upon attaching said memory cartridge (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means which stops a power supply to said information processing apparatus when said error is detected (column 3, lines 18-26; column 6, lines 6-9).

As per claim 4, Green teaches an information processing apparatus according to claim 2 or 3, further comprising; an instructing means which instructs a reset of said processor; and a discharging path which is enabled in response to an instruction of said instructing means and discharges an electric charge being charged in said charging and discharging means (column 3, lines 11-45).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green.

As per claim 7, Green teaches a device, comprising: a system bus which is connected to program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means which stops a power supply to said game device when said error is detected (column 3, lines 18-26). Green does not explicitly teach the device to be a home-use game device and the program to be a game program. "Official Notice" is taken that it would be obvious to combine the fault tolerant computer system of Green to the home-use game device of the present invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fault tolerant computer system of Green to the home-use game device of the present invention because the advantages of a fault tolerant computer system can be implemented in any computer system and a home-use game device comprising a processor and a memory constitutes a computer system.

As per claim 8, Green teaches a device, comprising: a system bus which is connected to said program memory upon attaching a memory cartridge having a program memory (column 4, lines 25-39, 52-53); a processor which is connected to said system bus and processes a program stored in said program memory (column 4, lines 25-39); a detecting means which detects an error of said processor; and a stopping means which stops a power supply to said karaoke device when said error is detected (column 3, lines 18-26). Green does not explicitly teach the device to be a home-use karaoke device and the program to be a karaoke program. "Official Notice" is taken

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that it would be obvious to combine the fault tolerant computer system of Green to the home-use karaoke device of the present invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fault tolerant computer system of Green to the home-use karaoke device of the present invention because the advantages of a fault tolerant computer system can be implemented in any computer system and a home-use karaoke device comprising a processor and a memory constitutes a computer system.

Allowable Subject Matter

8. Claims 5, 6, 9, and 10 are allowed.

9. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance: when read as a whole, claims 9 and 10 are allowed with respect to the limitation of a stopping means stops said power supply when a charged voltage of said charging and discharging means does not meet a predetermined condition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

11. Applicant's arguments filed 8/5/2004 have been fully considered but they are not persuasive.

The applicant argues that Green does not teach stopping the power to the information processing apparatus, the game device, or the karaoke device when an error has occurred. The examiner respectfully disagrees. Green explicitly teaches wherein upon an error, the entire computer system resets (column 6, lines 6-9). The examiner contends that a reset is the equivalent as turning a system off and on, as done in a hard reset of a system. Furthermore, Green teaches that the processors of his system can be disabled during a "power up sequence" in response to a failure (column 6, line 66 – column 7, line 2). Powering up implies the prior condition of being powered down and thus fulfills the argued limitation. Therefore, all applicable rejected claims stand.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csn
December 13, 2004


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
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